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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,989	11/16/2005	Bernd Siber	3489	3906
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743				
EXAMINER				
SMITH, MATTHEW J				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
05/24/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/556,989

**Applicant(s)**

SIBER ET AL.

**Examiner**

Matthew J. Smith

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (6057778).

Davidson discloses a fire alarm which includes a base 46; a fire alarm insert 30 connected to base; a covering cap 30 and a sheet 29, located between the covering cap and the fire alarm insert, provided to cover the fire alarm insert 30; and a substantially annular faceplate 22 concentrically around the covering cap and easy to remove, via screws 34, 36.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Powers (4758827).

Davidson discloses a fire alarm having a base 46 and a fire alarm insert 30 connected to the base; a covering cap 21 and a sheet 29, located between the covering cap 21 and the fire alarm insert, provided to cover the fire alarm insert; the covering cap having a recess 53 for the sheet; the covering cap convex in shape; and the covering cap detachably connectable, with screws 33, 35, with the fire alarm insert of the fire alarm.

Davidson also discloses an installation set with a fire alarm having a base 46; a fire alarm insert 30; a covering cap 30 detachably connectable, with screws 33, 35, to the fire alarm; a set of replaceable sheets 29; and the covering cap has a recess 53 for the sheet.

Davidson does not disclose the covering cap is transparent.

Powers shows a smoke detector having a transparent covering cap.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the Davidson cover transparent, as shown by Powers, in order to view the underlying structure (Powers, col. 2, lines 17-19)

Claims 4, 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Powers as applied to claim 1 above, and further in view of Jameson et al. (4529976).

The combination discloses the invention substantially as claimed but not the covering cap has a mat finish, at least in some areas, the connecting means between the covering cap and the fire alarm insert configured as releasable detent elements or

as a Velcro closure, the sheet is colored and/or has a pattern on it, the sheet is colored on both sides and/or has a pattern on both sides, different colors and/or patterns being provided for each side of the sheet, or the sheet is neutral in color and has a surface structure that can be painted in a common ceiling color.

Jameson et al. discuss a fire alarm with a base 8; a fire alarm insert 1 connected to the base with a releasable detent 26; a covering cap 3a and a decorative sheet 35 to cover the fire alarm insert.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a detent type connector and to make the Davidson sheet 29 decorative, as discussed by Jameson et al., since these types of connectors are well known and to provide amusement, respectively.

It would have been further obvious to make the covering cap have a mat finish; the sheet colored, have a pattern, colored on both sides, have a pattern on both sides, different colors, patterns for each side of the sheet, in a neutral color, or have a surface structure that can be painted in a common ceiling color since these modifications are suggested by Jameson et al. (col. 4, lines 51-55), expected, and predictable.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Powers as applied to claim 1 above, and further in view of Oppelt et al. (6828913).

The combination discloses the invention substantially as claimed but not a light transmitter and a light receiver arranged such that a scattering point is located outside a light scattering smoke detector.

Oppelt et al. describe a smoke alarm having a light transmitter and a light receiver arranged such that a scattering point is located outside a light scattering smoke detector.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the scattering point outside the detector, as described by Oppelt et al., since it is well known.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Powers and Oppelt et al. as applied to claim 12 above, and further in view of Meili (4166960).

The combination discloses the invention substantially as claimed but not the radiation receiver and the radiation transmitter are located in the fire alarm insert.

Meili depicts a smoke detector having a radiation receiver and a radiation transmitter located in the fire alarm insert.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the radiation receiver and transmitter in the modified insert, as depicted by Meili, since it is well known.

***Response to Arguments***

Applicant's arguments filed 19 April 2010 have been fully considered but they are not persuasive. The examiner contends a sheet need only be a thin plate-like member - not as defined by the applicant. Also, Davidson sheets are considered replaceable by removing screws 33, 35.

The examiner notes the claimed sheets do not limit the structure by defining the relationship of the sheet to the surrounding structure, e.g., the ceiling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/M. J. S./  
Examiner, Art Unit 3635  
4 May 2010